IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE SHRI JUSTICE R.SUBHASH REDDY
WRIT PETITION No. 7670 of 2006

Dated 13th November, 2006

Between
Sri Meenakshi Junior College, Kota

… Petitioner

And

Government of Andhra Pradesh,
Higher Education (I.E.-II) Dept.,
Secretariat, Hyderabad, represented
by its Principal Secretary and others.

…Respondents.

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ORAL ORDER:

Though miscellaneous petition is listed today, but, at the request of learned counsel for parties, writ petition itself is taken up for hearing and is being disposed of.

In this writ petition, the petitioner seeks a writ of mandamus to declare the action of the respondent-authorities in trying to grant permission to the 4th respondent for starting a Junior College in Kota Mandal, Nellore District as arbitrary, illegal, violative of Article 14 of the Constitution of India and contrary to G.O.Ms.No.114, Higher Education (C.E.III.2) Department, dated 9.8.2000.

In the affidavit filed in support of the writ petition, it is stated that the petitioner is running a college at Kota in Kota Mandal and that there are five such junior colleges in Kota Mandal and though further college is not required, the respondents are considering the representation filed by the 4th respondent contrary to the scheme formulated by the Government in G.O.Ms.No.114, Higher Education (C.E.III.2) Department, dated 9.8.2000.

Counter affidavit is filed on behalf of the contesting respondent, in which, running of such a college by the petitioner in Kota Mandal is denied. In the counter-affidavit, it is stated that the petitioner is not running any such institution either at Kota or at any of the places in Kota Mandal and the petitioner is running an institution by name 'Meenakshi Junior College' at Ozili Mandal of

Nellore District. The respondent also disputed the strength and pass-outs in SSC examination during the academic year 2005-06.

From the averments stated in the affidavit filed in support of the writ petition, it is evident that even before an application alleged to have been filed by the fourth respondent is considered and appropriate orders are passed, apprehending grant of permission, the petitioner has approached this court. Though it is submitted by the learned counsel for the petitioner that the petitioner is an institution running at Kota, but, however, running of the same either at Kota or at any of the places in Kota Mandal is denied in the counter affidavit. In anticipation of grant of permission to an institution/college, it is not open for any of the existing institutions to approach this court by filing a writ petition. It is for the concerned respondent-authorities to consider applications for establishment of new colleges/institutions keeping in view the guidelines laid down in G.O.Ms.No.114 dated 9.8.2000. But, before such an application is considered and orders are passed, at the threshold, it is not open for the petitioner to seek directions by way of mandamus.

In that view of the matter, I do not find any merit in this writ petition for grant of directions at this stage. The writ petition, which is devoid of any merits, is accordingly dismissed. No costs.

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13.11.2006 **R.SUBHASH REDDY, J.**

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